

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PACIFIC COAST FEDERATION OF  
FISHERMAN'S ASSOCIATIONS, et  
al.,

Plaintiffs,

YUOK TRIBE, et al.,

Intervenors,

v.

UNITED STATES BUREAU OF  
RECLAMATION, et. al.,

Defendants,

and

KLAMATH WATER USERS  
ASSOCIATION,

Defendant-Intervenors.

No. C 02-2006 SBA

**ORDER**

[Docket No. 442]

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This matter comes before the Court on Plaintiffs' Motion for Leave to File a Sur-Reply in Support of Plaintiffs' Motion for Injunction Following Remand ("Motion to File a Sur-Reply") [Docket No. 442]. Plaintiffs' Motion to File a Sur-Reply is opposed by defendants U.S. Bureau of Reclamation and National Marine Fisheries Service (collectively referred to herein as the "Federal Defendants") [Docket No. 446]. In Plaintiffs' Motion to File Sur-Reply, Plaintiffs request leave to file a short, three-page sur-reply to the Federal Defendants' March 1, 2006 reply brief in order to ensure that the issues associated with Plaintiffs' Motion for Injunction are as clear as possible. Defendants oppose Plaintiffs' request on the grounds that a sur-reply is unnecessary and unwarranted since Defendants did not raise any "new" arguments in their reply brief. Defendants concede, however, that the decision to allow

1 supplemental briefing is within the Court's discretion.


2 Having read and considered the arguments presented by the parties in the papers submitted to  
3 the Court, and given the importance of the issues before the Court, and the Ninth Circuit's mandate, the  
4 Court finds that it would benefit from consideration of Plaintiffs' proposed sur-reply. Plaintiffs'  
5 proposed sur-reply is short and concise and is intended only to provide further clarity with regard to the  
6 issues before the Court. However, the Court also agrees with Defendants that Plaintiffs' arguments  
7 concerning chinook salmon are irrelevant. As such, although the Court will consider the proposed sur-  
8 reply, it will disregard the following sections of the sur-reply: (1) page 2, lines 15 through 28; (2) page  
9 3, lines 1 through 6; (3) Exhibit 1; and (4) Exhibit 2.

10 Accordingly,

11 IT IS HEREBY ORDERED THAT the Plaintiffs' Motion for Leave to File a Sur-Reply in  
12 Support of Plaintiffs' Motion for Injunction Following Remand [Docket No. 442] is GRANTED.  
13 Plaintiffs' sur-reply, which is attached as Exhibit A to Plaintiffs' Motion for Leave to File a Sur-Reply  
14 in Support of Plaintiffs' Motion for Injunction Following Remand [Docket No. 442] shall be deemed  
15 filed as of the date of this Order. However, the Court will disregard the following sections of the sur-  
16 reply: (1) page 2, lines 15 through 28; (2) page 3, lines 1 through 6; (3) Exhibit 1; and (4) Exhibit 2.  
17 The Court now considers this matter fully submitted on the papers. None of the parties may file any  
18 further briefing with respect to Plaintiff's Motion for Injunction without first seeking leave of Court and  
19 demonstrating the existence of good cause.

20 IT IS SO ORDERED.

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22  
23 Dated: 3/16/06

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge